

Memorandum for Executive Council

SUBJECT **St Helena National Trust (Amendment) Bill, 2019**

Memorandum by Chairman, Social and Community Development
Committee

ADVICE SOUGHT

- 1. Executive Council is asked to consider and advise whether the St Helena National Trust (Amendment) Bill, 2019 (Annex A), should be printed, published and presented as Government Business at a forthcoming formal meeting of the Legislative Council.**

**BACKGROUND &
CONSIDERATIONS**

2. Changes to the St Helena National Trust Ordinance (the “principal Ordinance”) were initially recommended by the Public Accounts Committee (PAC) in 2015. The PAC suggested that the principal Ordinance be amended to provide for a six month reporting window for the Trust’s audited accounts to be laid before Legislative Council, as opposed to three months as currently prescribed for.
3. In seeking to implement this change the Trust Council agreed that further adjustments to the Ordinance were necessary to reflect the current operations of the Trust which had grown considerably since the enactment of the principal Ordinance in 2001. As per advice from the Attorney General, a mandate from SHG was sought for these changes.
4. The Trust Council reached consensus on a set of amendments (13 in total) by October 2016. These amendments were then presented to the office of the Attorney General by the President of the Trust Council and the Director of the Trust for legal advice prior to presentation to the appropriate SHG Council Committee.
5. The proposed Bill was drafted by the Attorney General’s Chambers pursuant to these meetings and intends to further regulate the running of the Trust and give full effect to its legal identity as a body corporate.
6. The Bill seeks to clarify the powers of the Trust by explicitly allowing it to borrow provided that in doing so, there is no risk to assets that are of heritage value for the island.
7. The revised Bill replicates the wording found in the Enterprise St Helena Ordinance as regards the selection of an

external auditor. This change permits the Trust to select an auditor on a more equitable and commercially competitive basis.

8. The Bill amends section 12 of the existing Ordinance by removing wording that prescribes for members to constitute the Trust Council. The formalities for the appointment of the Trust Council will be prescribed by Regulations, if this Bill is enacted by the Legislative Council. There are transitional provisions so that the new legislation will not immediately impact the positions of members appointed under the current legislation. The change ensures that if the membership of the Trust Council needs to be reconsidered there will be no need to amend primary legislation. The Trust Council will have a broader membership which will include ordinary members of the National Trust who will be able to actively participate in the business of the Trust Council. At present members are restricted to six named organisations.
9. A copy of the proposed Regulations (Annex B) that will be made once the Bill becomes law are attached for Honourable Members to note. These Regulations will be the subject of a further Executive Council memorandum in due course.
10. All other changes are minor in nature.
11. There are no financial implications.

**FINANCIAL
IMPLICATIONS**

**ECONOMIC
IMPLICATIONS**

12. There are no economic implications.

**CONSISTENCY
WITH
INVESTMENT
POLICY
PRINCIPLES**

N/A

**PUBLIC / SOCIAL
IMPACT**

The changes that the Bill proposes to implement will ensure organisational good governance and regulation and will not have any public/social impact.

**ENVIRONMENTAL
IMPACT**

None.

**PREVIOUS
CONSULTATION /
COMMITTEE
INPUT**

Mandate for this Bill has been given by the Social and Community Development Committee. The Bill takes account of recommendations made by the Public Accounts Committee and representations received from the Trust Council.

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**PUBLIC
REACTION**

It is unlikely that there will be a public reaction to this Bill. This Bill gives effect to the internal regulation of the Trust and will not have an impact on the public.

PUBLICITY

This Bill will be of some public interest and publicity will be through one public meeting in Jamestown and local radio.

**SUPPORT TO
STRATEGIC
OBJECTIVES**

The Bill indirectly supports the ‘Altogether Greener’ goal and Strategic Objective 7.1 ‘Promote the sustainable management and use of natural resources and the environment.

**LINK TO
SUSTAINABLE
ECONOMIC
DEVELOPMENT
PLAN GOALS**

N/A

AAG

**OPEN /CLOSED
AGENDA ITEM**

Corporate Support
Corporate Services

This item will be discussed in the open agenda.

30th January 2019

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